

BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case No. 2585
)	
JEROME ROCHLIN, D.O.)	STIPULATION AND CONSENT
Holder of License No. 1701 for the)	ORDER FOR SURRENDER OF
practice of osteopathic medicine in the)	LICENSE
State of Arizona.)	
_____)	

STIPULATION

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Jerome Rochlin, D.O. (hereinafter "Respondent"), the parties hereto agree to the following disposition to this matter.

1. Respondent acknowledges that he has read this Stipulation and Consent Order; and, Respondent is aware of and understands the content of this document.
2. Respondent understands that by entering into this Stipulation, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Stipulation and Consent Order will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record as required by A.R.S. §§ 32-1855 (K).
5. Respondent admits to the statement of facts contained in this Stipulated Consent Order.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said admissions by Respondent are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.

7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Stipulation or any part of the Consent Order, although said Stipulation has not yet been accepted by the Board and issued by its Executive Director, without first-obtaining Board approval.

STATEMENT OF FACTS

8. This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") at a public meeting on February 3, 2001 regarding Jerome Rochlin, D.O. (hereafter "Respondent"); and, the Board and Respondent mutually agree to the surrender of Respondent's license.

9. The Arizona Board of Osteopathic Examiners in Medicine and Surgery is empowered, pursuant to A.R.S. § 32-1800, et seq to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

10. Respondent is a licensee of the Board and the holder of License No. 1701 for the practice of osteopathic medicine in the State of Arizona.

11. Information was brought to the attention of the Board that Respondent may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

12. On January 27, 1999 the Board opened Case No. 2809 based upon the following information. On January 14, 1999 the Arizona Medical Radiological Technology Board of Examiners

informed the Board that Respondent allowed unlicensed individuals take X-rays on a patient. The Board was also informed that the United States Department of Health and Human Services, Inspector General's office ("DHHS") and the Federal Bureau of Investigation ("FBI") were investigating Respondent for allegations of insurance fraud, billing fraud and dispensing drugs inappropriately. On or about January 16, 2001 Respondent informed the Board's Executive Director and Deputy Director that he had used and occasionally still uses an unlicensed, non-certified individual to take x-rays in his office.

13. During the investigation of the DHHS, Respondent's former office manager stated that Respondent prescribed controlled substances in her name, that she never received and maintained no medical record on. Respondent admitted writing the prescriptions and giving the medication to his wife because it was against the law in Arizona to write prescriptions for controlled substances for an immediate family member. On or about January 16, 2001 Respondent admitted to the Board's Executive Director and Deputy Director to writing a prescription for Vicodin to patient FS but gave the medication to his wife.

14. During the investigation of DHHS, Respondent admitted to keeping his salary small and paying personal bills as business expenses.

15. Respondent agreed to enter into a Plea agreement with the United States Attorney's office and admits the following felony violations:

- a. Count 1. On or about January 15, 1997, in the District of Arizona and elsewhere, defendant JEROME ROCHLIN, knowingly and willfully devised a scheme or artifice to defraud, and for the purpose of executing or concealing such scheme or artifice or attempting to do so, defendant ROCHLIN knowingly and willfully made or caused to be made a false and fraudulent representation, claim, and promise concerning or in relation to a proceeding under Title 11 with the Bankruptcy Court, after the filing of the voluntary petition in bankruptcy, in that defendant ROCHLIN falsely and fraudulently omitted from schedules

A, B, G and J the existence of real property and personal property (vehicles and jewelry). In violation of Title 18, United States Code, Sections 157 and 2.

- b. Count 2. On or about June 29, 1999, in the District of Arizona and elsewhere, defendant JEROME ROCHLIN, did knowingly and willfully cause to be made a materially false, fictitious and fraudulent statement or representation in a matter involving a health care benefit program, for payment of health care benefits and services, in that defendant caused to be submitted claims for X-ray services for patient OC (ID No. 526828987A), when the X-ray was taken by a medical assistant not licensed or certified by the Arizona Medical Radiological Technology Board of Examiners. In violation of Title 18, United States Code, Sections 1035 and 2.
- c. Count 3. On or about April 15, 1997, in the District of Arizona and elsewhere, defendant JEROME ROCHLIN, knowingly and willfully made and subscribed a false 1996 1040A tax return, which contained or was verified by a written declaration that it was made under the penalty of perjury, and which defendant ROCHLIN knew were not true or correct as to every material matter, in that defendant ROCHLIN willfully underreported his true personal income from his medical practice by having his medical practice pay the personal expenses of the defendant. In violation of Title 26, United States Code, Sections 7206(1) and (2).

16. On or about January 16, 2001, Health Choice insurance plan informed the Board that on September 15, 2000 Health Choice Quality Management Committee it had immediately removed Respondent from the existing panel of Health Choice patients.

CONCLUSIONS OF LAW

The aforementioned conduct alleged against Respondent constitutes unprofessional conduct as defined at A.R.S. § 32-1855:

- (2) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by any court of competent jurisdiction is conclusive evidence of the commission.
- (5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.
- (14) Charging a fee for services not rendered or dividing a professional fee for patient referrals.

- (15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine except as the same may be necessary for accepted therapeutic purposes.
- (19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession; to wit, Section 12, "Any fee charged by a physician shall compensate the physician for services actually rendered", and Section 13, "A physician shall respect the law".
- (20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.
- (21) Failing or refusing to maintain adequate records on a patient.
- (23) Prescribing controlled substances to a member of one's immediate family.
- (37) Violating a federal law, a state law or a rule applicable to the practice of medicine.
- (38) Prescribing or dispensing controlled substances or prescription-only medications without maintaining adequate and appropriate patient records.
- (40) Any conduct or practice that endangers a patient's or the public health or may reasonably be expected to do so.
- (47) Conduct in the practice of medicine, which evidences moral unfitness to practice medicine.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY AGREED AND ORDERED**
THAT:

Jerome Rochlin, D.O. ("Respondent") shall voluntarily **SURRENDER** his license to practice as an osteopathic physician in the State of Arizona; and,

Respondent shall, within ten (10) days from the effective date of this Consent Order, return by U.S. mail or personal delivery to the Board's office all documents in his possession establishing Board licensure to practice as an osteopathic physician; and,

Respondent shall no longer engage in the practice of medicine in the State of Arizona, after the effective date of this Order.

In the event that Respondent makes application for licensure by the Board in the future, he must satisfy all of the applicable statutory and Board administrative rule requirements for licensure.

REVIEWED AND ACCEPTED this 3 day of Feb., 2001.



Jerome Rochlin, D.O.

STATE OF ARIZONA)

) ss

County of _____)

This instrument was acknowledged before me this _____ day of _____, 2001
by the above-named individual.

Notary Public

*Signed at
February 3, 2001
Board Mtg
at*

My Commission expires:

REVIEWED AND APPROVED as to form by counsel for Respondent on this 3

day of February, 2001.

A. Melvin McCall

DATED AND EFFECTIVE this 13th day of February, 2001.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger

Ann Marie Berger, Executive Director

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Scottsdale AZ 85258-5539

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Copy mailed by U.S. certified mail
(return receipt requested) this 7th
day of February, 2001 to:

Jerome Rochlin, D.O.

5847 S. 16th St.

Phoenix AZ 85040

Copy mailed this 7th day of
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Assistant Attorney General

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Arizona Board of Pharmacy

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Phoenix AZ 85012

Drug Enforcement Agency
Attn: Diversion Sec.
3010 N. 2nd St.
Phoenix AZ 85012

Celina Shepherd, Compliance
Officer